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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,242	11/10/2000	Takahiro Asano	MAT-8046US	4922

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Ratner & Prestia
Suite 301
One Westlakes Berwyn
P O Box 980
Valley Forge, PA 19482-0980

EXAMINER

PALADINI, ALBERT WILLIAM

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/710,242

Applicant(s)

ASANO ET AL.

Examin r

Albert W Paladini

Art Unit

2125

-- The MAILING DATE of this communication appears on th cover sheet with the correspond nc address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01.

Claim 1

Lines 4-5 recite "a data base for storing data of a first environmental load."

There is no element which obtains the data.

Lines 9-10 recite "a data processing unit for calculating a second environment load." Since lines 7-8 recite a data input unit, into which data of conditions of said manufacturing process for the manufacturing process for the industrial process is input," there is input for only one environmental load. There is no element that obtains conditions where the manufacturing process has changed, so that there can be no second environmental load.

Claim 5

Lines 4-5 recite "a data base for storing data of a first environmental load."

There is no element which obtains the data.

Lines 8-9 recite "a data processing unit for calculating a second environment load." Since lines 6-7 recite a data input unit, into which data of conditions of said manufacturing process for the manufacturing process for the industrial process is input," there is input for only one environmental load. There is no element that obtains conditions where the manufacturing process has changed, so that there can be no second environmental load.

Appropriate correction and clarification are required.

3. Claims 14-39 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claim 14

The preamble recited in lines 1-5 contains actual steps. The steps should be extracted from the preamble so that the sequential logic of the method is understood. For example, "storing data of an environmental load" constitutes a step. Since this is actually a step, there must be one or more steps which recite how or where this data is obtained.

Lines 8-9 recite, "calculating a second environmental load said manufacturing process produces." Since there have been no steps which recite changes in the manufacturing process or conditions, there is no basis for a "second environmental load."

Claim 18

The preamble recited in lines 1-4 contains actual steps. The steps should be extracted from the preamble so that the sequential logic of the method is understood. For example, "storing data of an environmental load" constitutes a step. Since this is actually a step, there must be one or more steps which recite how or where this data is obtained.

Lines 7-8 recite, "calculating a second environmental load said manufacturing process produces." Since there have been no steps which recite changes in the manufacturing process or consumption of necessary material, there is no basis for a "second environmental load."

Claim 27

The preamble recited in lines 1-6 contains actual steps. The steps should be extracted from the preamble so that the sequential logic of the method is understood. For example, "storing data of an environmental load" constitutes a step. Since this is

actually a step, there must be one or more steps which recite how or where this data is obtained.

Lines 10-11 recite, "calculating a second environmental load said manufacturing process produces." Since there have been no steps which recite changes in the manufacturing process or conditions, there is no basis for a "second environmental load."

Claim 31

There is no antecedent basis for "wherein said method" recited in line 1.

The preamble recited in lines 1-4 contains actual steps. The steps should be extracted from the preamble so that the sequential logic of the method is understood. For example, "storing data of an environmental load" constitutes a step. Since this is actually a step, there must be one or more steps which recite how or where this data is obtained.

Lines 8-9 recite, "calculating a second environmental load said manufacturing process produces." Since there have been no steps which recite changes in the manufacturing process or consumption of necessary material, there is no basis for a "second environmental load."

Appropriate correction and clarification are required.

4. Although the specification provides a dictionary for the claims, and the claims may be broader than the specification; each claim must be complete and self consistent

in itself. For a structural claim, the recitation must describe clearly how all the elements are physically connected together. For a functional claim, the recitation must describe clearly how the elements are physically connected together, and in addition, the sequential logical operation of the element working cooperatively together must be understood. For a method claim, the recitation must describe a sequential operation where each step further limits the previous step. In addition, even though the method claim is procedural, each step must be supported with sufficient physical means for accomplishing the step.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto (5878433).

This rejection is made to the extent that the claims are understood by addressing specific elements and steps recited which appear to be amenable to implementation.

Miyamoto discloses an environmental load assessing apparatus and method as depicted in figure 3. He states on lines 59+ beginning in column 2 "According to one aspect of this invention, there is provided an environmental load assessing device comprising input means for inputting environmental load data of at least one product, data storing means connected to the input means for storing the data inputted from the input means, environmental load assessing means connected to the data storing means for performing an environmental load assessment based on the data stored in the data storing means, and display means connected to the environmental load assessing means for displaying a result of the environmental load assessment performed by the environmental load assessing means. In the environmental load assessing device, the data storing means includes an object data storage section comprising an object-oriented database which stores, as objects, first parts constituting the at least one product and second parts constituting the first parts." Miyamoto does not explicitly refer to a "second environmental load as recited in claims 1, 5, 14, 18, 27, and 31. It should be noted here that the "second environmental load" does not appear to be able to be logically integrated with the apparatus and methods recited in the base claims, as indicated in paragraphs 1-6.

Miyamoto does state, however, on lines 52-61 in column 5 "Further, since the attribute data of the processes are stored as the attribute data of the objects corresponding to those processes, the sizes and the logical storage locations of the respective attribute data do not form the premise for reading out the attribute data by the process environmental load assessing section 5. Thus, it is possible to change the contents of an environmental load assessing procedure, or add a new environmental load assessing procedure to perform execution of a plurality of environmental load assessments."

Thus, it would have been obvious to one of ordinary skill in the art that adding a new environmental load to perform execution of a plurality of environmental load assessments includes the addition of at least a second load.

Relevant Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takeyama (5852560) discloses an environment load assessment apparatus that includes an environmental load equation storage section that stores the environmental load equations modeled on a stage at which a product is produced and used and a stage of waste treatment and recycling, with the life cycle of the product being divided into at least the two stages; a conversion coefficient storage section that stores conversion coefficients used to convert the amounts of materials and energy consumed in producing, using, waste-treating, and recycling the product into the amount of environmental load factors emitted as a result of those operations; an input section for entering the amounts of materials and energy consumed in producing, using, waste-treating, and recycling the product, for each of the modeled stages; a computing section that calculates the amount of emission of environmental load factors by applying the amounts of materials and energy fed and the conversion coefficients corresponding to the amounts to the environmental load equations; an assessment section for assessing a load that the product applies to the environment on the basis of the calculation result; and an output section that outputs the assessment result.

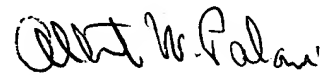
Miyamoto (6532464) discloses a method and apparatus for assessing environmental loads, which includes a data storing section; a calculation section, which calculates total load, based on unit step loads. Raw material data combined with product decomposition techniques are utilized to provide a broad range of conditions and materials the assessment of loads on various products is performed.

9. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (703) 308-2005. The examiner can normally be reached from 7:30 to 3:30 PM on Monday, Tuesday, Thursday, and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (703) 308-0538. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

February 27, 2004



Albert W. Paladini
Primary Examiner
Art Unit 2125